

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

U.S. Department of Labor, Occupational
Safety and Health Administration

v.

Civil No. 06-cv-363-JM

Dan Sullivan d/b/a
Leakbusters Roofing

O R D E R

The United States filed a Petition for Adjudication of Civil Contempt and Order to Show Cause why defendant should not be held in civil contempt for his willful failure to comply with the Court's September 26, 2006 Inspection Order.

An evidentiary hearing was held on September 28, 2006. The evidence established that defendant refused to comply with the Inspection Order on September 26th. While he complained that it was not made out to the appropriate corporate entity, on that date Sullivan was operating only "d/b/a's" and was a sole proprietor. Mr. Sullivan was not on site on the 27th and it is not clear that any individuals on site had authority to act for him.

Nevertheless, he was in contempt of the Order on the 26th and I so find. He was orally ordered, and I affirm, that he could not finish the roof except in accordance with OSHA

regulations. Additionally, he was and is ordered to comply with the inspection warrant. Finally, the government is awarded its reasonable attorney's fees and costs to enforce the Court's order. If defendant seeks to be heard on the amount of fees he must within ten (10) days request a hearing.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: November 6, 2006

cc: John J. Farley, Esq.
Dan Sullivan